

[24th January 1933]

III.—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920 (BILL No. 25 OF 1932)—HIS EXCELLENCY THE GOVERNOR'S MESSAGE.

* The hon. the PRESIDENT:—“ I have to communicate to the House a Message from His Excellency the Governor which runs as follows:—

‘ On an examination of the Bill to amend the Madras Local Boards Act, 1920 (Bill No. 25 of 1932) as passed by the Legislative Council at its meeting held on the 1st November 1932 and of the provisions of the Act, I find that a consequential amendment to Section 49 of the Act should be made in order to make the new provisions fully workable. I accordingly return the Bill to the Legislative Council under Section 81-A (1) of the Government of India Act, for its reconsideration. Some drafting amendments also appear to me to be necessary in the Bill. Opportunity may be taken to make such amendments.’ ”

IV.—A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920 (BILL No. 26 OF 1932).

Clause 6.

* Mr. A. RANGANATHA MUDALIYAR:—“ Sir, the House was good enough to give me permission yesterday to take up this Bill early this day and in the evening of yesterday the respective representatives of the various parties met together and, I am glad to say, came to some satisfactory conclusion. Mr. K. R. Venkatarama Ayyar said that this was a non-party measure. I differ from him and say that this is an all party measure, because representatives of all sections of the House took part in it in a very hearty and sympathetic manner. And I am thankful to say that their labours have not been wasted and are likely to prove beneficial. If I am allowed to anticipate a little, I shall briefly refer to the agreed arrangements of yesterday evening. It was urged that this Bill is possibly a penal measure meant for application to the unsatisfactory municipalities. But there was never any such idea. It is really to enable the municipal bodies to conduct their administration with increasing satisfaction that this Bill has been brought forward. There is no intention whatsoever to attach any stigma to any municipality.

“ One question raised at the meeting was whether the number of municipalities included in the Schedule is not too large. We had fixed the income test as two lakhs of rupees and included all municipalities having an income over that figure. It was urged that in consideration of the resources of certain municipalities and other causes, it may not be possible to start straightaway appointing Commissioners for all the 26 municipalities included in the Schedule. Now we have reduced the number to 10 by raising the limit of the income to 3 lakhs of rupees instead of two lakhs. Some members on the opposite side have given notice of motions to reduce the number to 12 or 14 but we thought that a more satisfactory solution for all their objections was to raise the limit of income to 3 lakhs of rupees.

“ It was urged that the chairmen of municipalities were ignored altogether in the matter of giving contracts. We have taken their

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claims into account and agreed that the disposal of contracts should be by a committee consisting of the chairman, the commissioner and also a councillor to be elected by the Council.

"There was a fear entertained that if we do not specify the services from which should be appointed the commissioners, outside people may be introduced as commissioners for party purposes. To remove such misapprehensions, we have agreed that the selection for commissionerships should be only from Government, or Local Fund or Municipal service.

"These are the changes which we expect, would disarm all opposition to the Bill. We have restored Schedule IX restricting the number of municipalities for compulsory commissionerships to 10 instead of 26. With this explanation, I move

that in clause 6 new section 12-C for sub-sections (1) and (2) the following be substituted:—

"(1) A commissioner shall be appointed by the Local Government in the case of each municipality included in Schedule IX and in the case of any other municipality notified by the Local Government in this behalf. Every notification issued under this sub-section shall specify the reasons therefor."

"You will see, Sir, that, before the Government decide to appoint commissioners to certain municipalities, they will have to specify the reasons for their action, and these reasons should also be recorded in writing.

"I hope, Sir, these modifications will meet with the approval of the House."

Dr. P. SUBBARAYAN:—"I second the motion."

* The hon. the PRESIDENT:—"The question is—

in clause 6, new section 12-C, for sub-sections (1) and (2), substitute the following:—

"(1) A commissioner shall be appointed by the Local Government in the case of each of the municipalities included in Schedule IX and in the case of any other municipality notified by the Local Government in this behalf. Every notification issued under this sub-section shall specify the reasons therefor."

Khan Bahadur Mahmud SCHAMNAD SAHIB Bahadur:—"May I rise to a point of order, Sir. The motion was already passed by this House and Schedule IX has been included in the Bill. Is the hon. Member in order in reopening the subject?"

* The hon. the PRESIDENT:—"I think there is some point in what Mr. Schamnad said. But when there is an agreed motion before the House it is up to the House to correct any mistakes, or to bring in new amendments, I therefore think that exigencies require that this motion should be admitted. Therefore I allow the motion. I do not think there is any point in the point of order raised by Mr. Schamnad Sahib."

* Mr. K. R. VENKATARAMA AYYAR:—"I thank you, Sir, for allowing this new clause to be moved notwithstanding the technical objection raised by my hon. Friend, Mr. Schamnad Sahib. It gives

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effect to the arrangement made between the representatives of the various groups of the Council. Rather than let this Bill be buried as the Leader on our side apprehended, it is better that it has been resurrected in this form to-day, because instead of allowing all municipalities to suffer without the advantage of salaried whole-time commissioners to attend to their daily administrative duties it is better at least to have such a wholesome provision at least in the case of some big municipalities like Madura and nine others.

11-45 a.m. “At the same time it is good that whenever the Government notify other municipalities also for appointment of commissioners, they should not do so arbitrarily and freakishly but support their notification by a statement of reasons. It is hoped that the experience gained in the case of the ten municipalities whose revenues amount to more than three lakhs of rupees in each case will be a good guide in the light of which the Government will exercise its discretion in making notifications. I think, therefore, without further discussion this new clause may be put to the vote.”

* Mr. C. BASU DEV:—“Sir, I am told that after my amendment was passed yesterday and after the threat of Mr. Ranganatha Mudaliyar to drop the Bill, there was a conference of the leaders of the various parties at which an agreement was arrived at as to the further course of the Bill. I am not now going to raise any objection to a reconsideration of the question that was decided yesterday. But in fairness to myself I must say that I am very much in favour of every municipality in the Province having an executive officer, but I had to modify my desire in view of the opposition of some of the hon. Members to that idea. When I moved an amendment to delete the schedule my idea was to avoid the hardship that would certainly be caused to the present incumbents in certain municipalities. I therefore proposed to vest the discretion in the Government to appoint an executive officer to any municipality which they think necessary in the hope that in making such an appointment they would consider the question of security of the present municipal officials. As the hon. the Chief Minister pointed out, we are not vesting in the Government any extraordinary power; they have already got the power to supersede municipalities and what we do is to invest them with a lesser power to appoint an executive officer to any municipality where, in the opinion of the Government, there is maladministration or there is sufficiently heavy work to warrant such an appointment. I do not understand the fears which certain hon. Members entertain about this discretion being vested in the Government. I do not think any civilized Government much less the Government of which the hon. the Chief Minister is the head will make such appointments without any sense of proportion or decency or without regard to the actual requirements of the case. I have no such doubts either with regard to this Government or any other Government which may come hereafter.

“I am glad that Mr. Ranganatha Mudaliyar has tried to alleviate the hardships that might be caused to the present incumbents by the appointment of executive officers. He has suggested that executive

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officers should be drawn also from the officials who are already employed in the municipalities. The municipal official as a rule is a good and efficient person and deserves every consideration and protection. The post of an executive officer will be the aim of his ambition and I am sure he will try his best to merit that appointment by honest, good and efficient service. In this connexion I should like to read to the House the tribute paid to the efficient work done by the municipal employees generally by no less a person than Sir Muhammad Habibulla who had devoted a whole lifetime to the administration of the Vellore Municipality. In the message which he recently sent to the Fifth Provincial Municipal Officials' Conference, he says:

'It is with great pleasure that I am able to bear testimony to the great zeal, interest and integrity with which the municipal officials as a class have generally discharged their onerous and often unpleasant duties and have, with great credit, held their own against any other class of public servants.'

"I hope, Sir, that the Government will give this opinion the weight it deserves and take note also of the general wish of this House to recognize the services which municipal employees have rendered and provide for the executive officers to be drawn also from the ranks of these efficient and experienced men. With these words, I have great pleasure in supporting the amendment. One word more and I am done. Mr. Venkatarama Ayyar in supporting the amendment or rather the agreed proposition referred to some ten municipalities to which executive officers should be appointed. I am afraid the agreed proposition does not refer to any particular number of municipalities. I suppose Mr. Venkatarama Ayyar was only giving out his own opinion and not referring to any particular proposition before the House."

The amendment was put and carried.

* The hon. the PRESIDENT:—"Before we proceed further I wish to inform the House that I do not propose to accept any further amendments to this Bill, because we have already got too many amendments. If at all any new amendments are necessary hereafter they must be amendments agreed to by all sections of the House."

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, I move—

'that sub-sections (3) to (8) be renumbered as sub-sections (2) to (7) respectively.'

"This is only a consequential amendment."

Mr. A. M. BHANOJI RAO:—"I second it."

The amendment was put and carried.

* Mr. C. BASU DEV:—"Sir, with regard to your ruling that you will not be prepared to receive any further amendments unless they are agreed to by all sections of the House, I have to submit that I do not know whether the proposition agreed to by the leaders of the parties lays down exactly the number of municipalities to be included in the schedule. Mr. Venkatarama Ayyar referred to the number of municipalities as being ten; probably he wants to fix the income limit at three lakhs. I do not think that question has been decided. Anyhow, I should like to move an amendment fixing the income limit at five lakhs."

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* The hon. the PRESIDENT:—"The matter will be considered when the question arises."

* Mr. E. CONRAN SMITH:—"Sir, I move the amendment standing in my name. It is purely a drafting amendment. It deals with the old sub-section (4) which has now become sub-section (3) in view of the amendment moved by Mr. Ranganatha Mudaliyar. The amendment reads:—

'For sub-section (3) of new section 12-C, substitute the following sub-section, namely:—

"(3) No person shall be appointed to be a commissioner and no commissioner shall continue to hold office as such, after he has attained the age of fifty-five."

"The intention of the amendment is merely to make the drafting better and the intention clearer. I therefore move the amendment."

Mr. T. SUNDARA RAO NAYUDU:—"I second the amendment."

The amendment was put and carried.

Mr. A. RANGANATHA MUDALIYAR:—"I beg to move—

'that the following be added as sub-clause (8):—

"The commissioner shall be appointed from among persons who are in active Government, Municipal or Local Fund service."

Mr. K. R. VENKATARAMA AYYAR:—"I second it."

* Mr. C. BASU DEV:—"Sir, in supporting the amendment I wish to omit the words 'local fund.' The selection should be confined to persons who are in Government or Municipal services. There is no necessity at all to consider the claims of employees in district and taluk boards while there are many efficient employees in the municipalities themselves."

Mr. BASHEER AHMED SAYEED:—"Sir, I do not agree with the spirit of the amendment. It is very just and fair that we should give a chance to those who are employed in the Government and municipalities, but in our enthusiasm to give a chance to those who have gained experience in municipalities and local boards and rendered good service, we should not prevent equally competent men from outside from being appointed as executive officers. I would therefore suggest that for the word 'shall' the word 'may' may be substituted. If that is done, there will be provision for the appointment of competent men from outside the ranks of those already in Government or municipal service. This would only be in the interests of the efficient administration of the municipalities. We should not confine the selection of executive officers to employees of the Government or the municipalities. I therefore oppose the amendment."

12 noon. Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"Sir, I also oppose the amendment. With your leave, may I amend the amendment by inserting this clause? 'The Local Government in making the appointment of a Commissioner shall give preference to persons already in municipal service who are duly qualified for the post.' Such a

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provision is necessary particularly because there are a number of municipal servants who are duly qualified and who have put in long service. In some municipalities there are experienced Revenue officers; in several municipalities there are capable managers. I think they can discharge very efficiently the duties of commissioner. It is for this reason that I move my amendment, namely, that the Government should give preference to those who are already in municipal service if they are duly qualified for the post."

* Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I rise to support the amendment moved by my hon. Friend, Mr. Ranganatha Mudaliyar. I shall attempt to answer one or two points raised by my hon. Friend representing the Central Districts Muhammadan constituency. The amendment seeks only to explain the intention of the author of the Bill. The mover of the Bill explained on the floor of this House just a quarter of an hour ago that it was not his intention to appoint these commissioners from outside the Government or the municipal service. But in the drafting of that intention, there seems to be some loophole for appointments being made from outside these two services. It is now the intention of the proposer of this amendment to make that point clear by specifying that the appointments should be confined to these two services. There are two reasons why it is necessary that these appointments must be confined to these two services alone. The first thing for which we are trying to appoint executive officers is to relieve non-official chairmen not only from the heaviness of the work but also from the liability of their carrying on the administration. Therefore it is necessary that the persons who are going to be appointed and who are going to shoulder this responsible duty should be drawn from certain recognized classes of servants. If persons are going to be appointed from outside these two services, it is just possible that some young man who might possess the ordinary or the general qualifications, might be chosen as an executive officer by the Party in Power. Then it is likely that inasmuch as the period of service is limited, namely, three years, you may not be able to get very competent men. The person appointed from outside these services can accept the appointment only as a stop-gap for further promotions and further prospects in life. Therefore you cannot expect young men to be in municipal service even for a salary of Rs. 800 without looking for further prospects. That would only mean that we are trying to appoint executive officers only for the latter's convenience and not for the efficient management of the municipalities. There are men in the municipal service itself who are putting forth all their energy and attention in order to see that the Local Self-Government institutions are managed beyond cavil and criticism. Another reason why it is necessary that these appointments should be confined to these services is there are already a large number of competent managers of local bodies. By the appointment of these commissioners, they would be relegated to a subordinate position, if they are not given these appointments. It is only fair that chances should be given to those persons who have put in long number of years' service in municipal institutions and who have helped non-official chairmen in the efficient

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management of these municipalities. They are looking forward to some prospects when you are going to create these new appointments as commissioners. If the choice is extended not only to Government servants and municipal servants but to outsiders also, these municipal servants who have been helping non-official chairmen in the efficient discharge of their duties, will stand very little chance. This amendment is both in the interest of those who are already in municipal service—there are already competent men in at least three or four big municipalities—and in the interest of those in Government service. The reason why I like that Government servants should be connected with these municipal institutions as executive officers, is this. It is supposed that Government servants are competent to manage such institutions properly. There is a certain amount of efficiency in Government service and they will be eligible for being appointed as executive officers; they will be able to manage these institutions properly. If a new man is going to be appointed as an executive officer and if he is going to gain experience at the risk and sacrifice of municipal administration, then there is no use of appointing executive officers. It is only because you want efficient men, because you want men whose ability has been tried and whose character and honesty are beyond reproach, you are going in for these executive officers. We expect these qualifications from those who are actually in service. For these reasons I commend this amendment for the acceptance of the House. It may be a matter of some error that my hon. Friend, Mr. Basheer Ahmed, was not informed of the agreement which we came to recently. If it is an error and if he considers it to be a serious one, I beg to apologize on behalf of my Leader who is not present just now.

* The hon. the RAJA OF BOBBILI:—“ Sir, there seems to be some misconception as regards the intention of the Select Committee or of the Government in the matter of selection of candidates for the proposed service. As far as I am aware, it was never the intention of the Select Committee to recruit outsiders. The only idea was to take in Government servants in cases where competent municipal employees were not available. As far as the Government are concerned, they have not got any surplus officers and they can be spared only at considerable inconvenience. I am sure that, when a competent municipal employee is available, his claims will certainly be considered. But I am afraid that, as the amendment is now worded, it will not be possible to accept a hard and fast rule that in every case preference should be given to Government servants.”

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—“ Sir, in view of the assurance given by the hon. the Chief Minister that, in several cases where there are persons in municipal service who are qualified by their experience and by their ability, they would be preferred, I do not want to put my amendment in the statute. I withdraw my amendment and support the amendment of my hon. Friend, Mr. Ranganatha Mudaliyar.”

Mr. C. BASU DEV:—“ I do not press my amendment in view of the remarks made by my hon. Friend, Mr. Sami Venkatachalam Chetti.”

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“ One question raised at the meeting was whether the number of municipalities included in the Schedule is not too large. We had fixed the income test as two lakhs of rupees and included all municipalities having an income over that figure. It was urged that in consideration of the resources of certain municipalities and other causes, it may not be possible to start straightaway appointing Commissioners for all the 26 municipalities included in the Schedule. Now we have reduced the number to 10 by raising the limit of the income to 3 lakhs of rupees instead of two lakhs. Some members on the opposite side have given notice of motions to reduce the number to 12 or 14 but we thought that a more satisfactory solution for all their objections was to raise the limit of income to 3 lakhs of rupees.

“ It was urged that the chairmen of municipalities were ignored altogether in the matter of giving contracts. We have taken their

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that there will be grave complications in such matters in the municipalities concerned. I trust therefore that the House will recognize the necessity of placing these subordinates under the commissioner. I am sorry I cannot accept the amendment of Mr. Bhanoji Rao."

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* Mr. A. RANGANATHA MUDALIYAR:—"Sir, I am sure Mr. Bhanoji Rao did not fully realize the implications of the amendment when he tabled it. After having heard Mr. Conran Smith, it is obvious that it will be very undignified for a chairman to be considered to be the head of the menial staff in a municipality. I do not think it is the intention of the House to create any confusion in this respect. The Minister exercises certain control now; if we say that the Secretary and the Under Secretary should have some share in this control, the position will become more difficult. Similarly, in this case we should not introduce complications."

* Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, I do not know if there is any necessity for the amendment. In section 75 of the Act it is already provided that—

'the chairman may fine, reduce, suspend, remove or dismiss any municipal officer or servant, etc.'

and with regard to this section, in the schedule, the word 'chairman' has been substituted by the words 'executive officer.' Therefore, the establishment *suo motu* becomes subordinate to the commissioner. Why then is there any necessity for restating the position that the establishment should be subordinate to the commissioner? It looks as though the position of the chairman will become undignified if this amendment is accepted. I think that clause (2) itself may be deleted."

* Mr. A. V. BHANOJI RAO:—"Sir, I gave notice of this amendment with the idea of removing the ambiguity. As Mr. Conran Smith pointed out, it is not my idea to vest any dual control over the establishment in the chairman and in the executive officer. No doubt as regards punishments, etc., we have given power to the commissioner; but yet the chairman is head of the municipality and the establishment has to be subordinate to him. That is why I moved this amendment, and I do not see how there can be a clash of powers as between the chairman and the executive officer. But if there is any objection to the amendment, I do not want to press it."

The amendment was, by leave, withdrawn.

Clause 9 was put and carried.

Clause 10.

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, I move:

'For the proviso proposed to be added to sub-section (1) of section 68 of the said Act, substitute the following proviso, namely:

"Provided that in the case of municipalities included in Schedule IX or notified under sub-section (1) of section 12-C

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the power of making on behalf of the Council all contracts whereof the value or amount does not exceed one thousand rupees shall be exercised by a committee consisting of the chairman, the commissioner and one member of the Council elected by it; and the Council shall not exercise or delegate the power of making such contracts."

"The chairman of the Council is after all there by virtue of his being able to command a majority vote and he knows something of the affairs of the municipality; so his presence may be useful on the committee. Similarly, a representative of the Council may be there. I think the publicity involved in the disposal of the tenders by a committee of three consisting of the chairman, the commissioner and the representative of the Council will be very useful."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"I second the amendment."

* Mr. BASHEER AHMED SAYEED:—"I think, Sir, the scope of this amendment has not been well explained by the learned Member from Bellary. The amendment says that restrictions should be imposed in the case of contracts the amount of which does not exceed Rs. 1,000. I think the procedure laid down by this amendment will introduce delay and complications in certain cases. Considering the amount of the contract involved, viz., Rs. 1,000, I think the more efficacious method of disposing of tenders will be to delegate the power to the commissioner himself and then ask him to make a report to any committee or the Council that he has accepted such and such a tender. That will lead to the speedy disposal of tenders. After all, tenders for Rs. 1,000 and less will be for small works connected with the municipality and the nature of the works will be such that they would require immediate attention and immediate disposal. If the tenders are to be received from the contractors and then sifted by the commissioner, then placed before a committee, and the committee has to meet and accept or reject them—surely all this will be a long and circumlocutory procedure and the labour involved will be beyond all proportion to the amount of contract involved, viz., Rs. 1,000. I therefore think that this amendment is not so desirable as the one recommended by the Select Committee. We can wait and see the effect of the amendment proposed by the Select Committee and then consider after some time whether this amendment is necessary. For one thing there will be enormous delay by adopting the method suggested in this amendment and there will be a tendency to delay matters even in the committee itself. We have had experience elsewhere as to how tenders are delayed, how they are rejected and how tenders are called for again, as they happen to be defective, how the commissioner's recommendation itself happens to be defective and not borne out by facts. All these things, I say with great respect to the mover of the amendment, conduce to the inefficient working of the municipality. I would therefore urge that this amendment be withdrawn and that the original clause as passed by the Select Committee be accepted."

* Mr. SAMI VENKATACHALAM CHETTI:—"Sir, if there is any circumlocutory procedure involved in this amendment, I may assure my

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hon. Friend from the Central Districts Muhammadan Constituency that that circumlocution is not the making of the Mover of this amendment but that it is already there in the original clause itself. The effect of the present amendment is that the word 'chairman' is substituted by the words 'chairman, commissioner and a member of the Council.' The idea of making this amendment is to give publicity to the rates that are quoted by tenderers. In the matter of purchases for immediate use, the power that is already bestowed by the Act either on the chairman or the commissioner still exists but so far as purchases by means of contract or by calling for tenders are concerned, it is desirable that along with the commissioner there must be somebody to represent the non-official side of the municipality. As regards the amount of Rs. 1,000, I know my hon. Friend, sitting as he does in the Corporation of Madras where contracts go generally to five digits and six digits, thinks that Rs. 1,000 is a small thing; but having regard to the resources of municipalities with which we are now dealing, tenders for Rs. 1,000 there, are as important as tenders for Rs. 50,000 in the Madras Corporation. So long as my Friend Mr. Basheer Ahmed is a member of the Works Standing Committee in the Madras Corporation and wants to scrutinize tenders for small amounts, it does not look graceful that he should deny the same right to the councillors of a mufassal municipality. Now that the explanation has been given as to the scope of this amendment, I hope my hon. Friend Mr. Basheer Ahmed with whom we have always got so many points of agreement will see that in this matter also there is no difference between us."

* The hon. the PRESIDENT:—"I shall put the amendment to the vote of the House. The question is:

'In section 68 of the said Act, for the proviso substitute the following proviso, namely:

"Provided that in the case of municipalities included in Schedule IX or notified under sub-section (1) of section 12-C the power of making on behalf of the Council all contracts whereof the value or amount does not exceed one thousand rupees shall be exercised by a committee consisting of the chairman, the commissioner and one member of the Council elected by it; and the Council shall not exercise or delegate the power of making such contracts."

The amendment was carried.

Clause 10, as amended, was then put and carried.

Clause 11.

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, I move—

"that wherever the words "notified under sub-section (2) of section 12-C" occur, the words "notified under sub-section (1) of section 12-C" be substituted."

Mr. SAMI VENKATACHALAM CHETTI:—"I second it."

The amendment was put and carried.

Clause 11, as amended, was put and carried.

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Clause 12.

* Mr. E. CONRAN SMITH:—" Mr. President, Sir, I beg to move: 12-30
' that in line 1 of new section 73, for the word " section " p.m.
substitute the word " sections ".' "

Dr. P. SUBBARAYAN:—" I second it."

Mr. C. BASU DEV:—" Sir, may I speak on the clause? "

Mr. V. T. ARASU:—" Order, order, may I know, Sir, whether any non-official member is at liberty to speak from the Treasury Bench." (Laughter.)

* The hon. the PRESIDENT:—" I don't think there is any particular standing order or rule forbidding it. He may sit on the Treasury Bench whenever it is vacant and speak from there." (Laughter.)

Mr. V. T. ARASU:—" Whenever it is vacant." (Laughter.)

Dr. P. SUBBARAYAN:—" With due respect to the Chair, Sir, may I submit that in the Houses of Parliament no private member is allowed to speak from the Treasury Bench." (Laughter.)

* The hon. the PRESIDENT:—" The hon. Member may go to his seat and speak from there. (Laughter.)"

Mr. C. BASU DEV:—" Sir, the section says :

' Save as provided'

The hon. the PRESIDENT:—" Is the hon. Member proposing any amendment to the amendment already moved? "

Mr. C. BASU DEV:—" No, Sir."

* The hon. the PRESIDENT:—" I will put the amendment to the vote of the House and then he may move his amendment. The question is:

' that in line 1 of new section 73, for the word " section ",
substitute the word " sections ".' "

The amendment was carried.

Mr. C. BASU DEV:—" Sir, I beg to move an amendment to the new section 73 to the following effect"

* The hon. the PRESIDENT:—" I have already intimated to the House that I do not propose to admit any substantial amendments at this stage. So the hon. Member cannot move any amendment."

Clause 12, as amended, was put and carried.

Clause 13.

* Mr. A. V. BHANOJI RAO:—" Mr. President, Sir, I beg to move:
' That in sub-section (2) of section 305 as amended, insert the
following words between the words " notification " and
" include "—" under sub-section (2) of section 12 (c)'. "

Every notification should state under which section it is done so this amendment removes that gap."

The amendment was duly seconded.

Clause 13, as amended, and Clause 14 were put and carried.

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Clause 15.

* Mr. A. RANGANATHA MUDALIYAR:—" Mr. President, Sir, I beg to move:

' That in clause 15 for the list of municipalities, substitute the following:—

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|------------------------|--------------------------|
| (1) <i>Bezwada.</i> | (6) <i>Rajahmundry.</i> |
| (2) <i>Coimbatore.</i> | (7) <i>Salem.</i> |
| (3) <i>Kumbakonam.</i> | (8) <i>Tanjore.</i> |
| (4) <i>Madura.</i> | (9) <i>Trichinopoly.</i> |
| (5) <i>Ootacamund.</i> | (10) <i>Tuticorin.'</i> |

" As you are aware, Sir, there are two sections of opinion in this House who hold very strong views in regard to this matter. There is one section which says that this power of appointing commissioners should not be restricted to only the 26 municipalities, but should be extended to as large a number of municipalities as possible; and among the people who hold such view is my friend, Mr. Basu Dev. There are others who think that perhaps this number is too large. Sir, I think, taking all these into consideration, we have agreed to proceed cautiously but at the same time, we think also that we should take a substantial step forward. We shall begin with municipalities whose ordinary income is three lakhs. That at least will do away with the objection that the resources may not be sufficient to bear this expenditure. But I venture to think that even if you descend to municipalities with an income of two lakhs it would not be an unprofitable transaction; for I am quite sure that without adding any extra taxation of any sort, the commissioner will be able to find the extra money very easily, and even double the sum required, merely by enforcing existing provisions.

" Sir, in this we have taken into account the feeling of some of the members of this House, and have gone more than half-way to meet them. So the number has been put at ten. There are certain other municipalities which shall have to be brought within the ambit of this clause. Such municipalities, the Government may either notify and bring them into section 9, or if they find the causes for a commissioner's appointment are only temporary, they may appoint such an officer for a period of two or three years. I hope this arrangement will satisfy the view of the majority of the house. I therefore beg to suggest the substitution of the revised list for the list already in the draft."

Diwan Bahadur B. MUNISWAMI NAYUDU:—" I second it."

* Mr. C. BASU DEV:—" Mr. President, Sir, with regard to the amendment moved by Mr. Ranganatha Mudaliyar I wish to say a few words. The hon. Mover said that I am one of those who wish to have commissioners in as few municipalities as possible. (Mr. A. Ranganatha Mudaliyar: ' You have misunderstood me; I said you are for the commissioners to be appointed in as large a number of municipalities as possible.') (Laughter.)

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[Mr. C. Basu Dev]

“ Very well, now that the Government have accepted his amendment that these executive officers should be drawn also from efficient municipal officials, I have no objection to the list of the municipalities as given in the schedule; and personally I am for adding some more to the list, if possible. But in view of the reason advanced by Mr. Ranganatha Mudaliyar I think this list is sufficient for the present.”

Mr. G. SIMHACHALAM PANTULU:—“ Sir, I beg to move that Guntur be added to the list.”

Mr. G. R. PREMAYYA:—“ I second it.”

* The hon. the PRESIDENT:—“ I think I have more than once repeated that I do not propose to allow substantial amendments at this stage. We have only to confine ourselves to the amendments that have been given notice of or to amendments that may be moved to them.”

* Mr. J. A. DAVIS:—“ Sir, I beg to move—

‘ to delete word “ Ootacamund ” from the schedule of municipalities for which commissioners shall be appointed.’

“ Sir, I do so because we have in Ootacamund prominent men who take a great interest in it, who permanently reside there and have a stake in the station and residents will be more capable than the executive officers who will have only a passing interest. This hill station provides the seat of Government and was specially treated as a hill municipality along with Coonoor and Kodaikanal. For these, amongst other reasons, I move that Ootacamund may be excluded from the list.”

* Rao Sahib V. I. MUNISWAMI PILLAI:—“ Sir, I rise to second the amendment proposed by Mr. Davis. Of course, he has given various reasons why Ootacamund should be excluded. The object of this Bill is to purify municipal administration. Taking the case of the Ootacamund municipality, I am sure, my hon. Friend, Mr. Conran Smith will bear me out when I say, that Ootacamund has had a good municipal administration. Mr. Davis, who has been the chairman of that municipality for many years has proved to be one of the capable chairmen, and after him there is another chairman, who happens to be honorary. And even now I do not think the administration has in any way gone wrong. That this Bill should be made to apply to a municipality whose administration is so satisfactory, I do not think, will stand to reason. So I would request that Ootacamund may be excluded from this list.”

12-45
p.m.

* Mr. MAHBOOB ALI BAIG:—“ Mr. President, Sir, I move—

‘ that the following shall be substituted for the list of municipalities given in the schedule:

“ Commissioners may be appointed for the municipalities which have a population of one lakh and more and with an income of five lakhs of rupees and more from ordinary receipts excluding contributions and drainage receipts ”.

“ In moving this amendment, Sir, I should like to recall to the mind of the Mover of this Bill that when he brought forward his original Bill

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he was of opinion, and I suppose rightly too, that municipalities having a population of one lakh and more and an income of five lakhs of rupees and more should have executive officers. In the nature of things the activities of those municipalities will be very numerous and therefore an honorary chairman may not be able to discharge his duties well. I suppose that was the reason, and a very sound reason too, which impelled him to move that sort of Bill. Or the reason may be, as he puts it in his statement of objects and reasons attached to his original Bill, that big municipalities have not been able to discharge their duties well on account of these various activities and in some cases also on account of inability on the part of the chairmen. Or, Sir, according to him, the criterion is whether a municipality is such that the chairman is not able to do justice to the various duties that fall upon him or whether the municipal chairman has been administering the municipal affairs unsatisfactorily. These being the criteria for moving a Bill of this kind, I do not see any reason now why the scope of the Bill should be extended. And when the scope of the Bill is to be extended, what is the criterion to be adopted? It has been said by certain persons that either all municipalities must be given executive officers or none at all. The discretion must be left to the Government to find out whether any municipality is working well or not, whether any municipal chairman has been able to discharge his duties well or not and whether it is possible for an honorary chairman to discharge the duties satisfactorily. Therefore my submission to this House is this, that in the case of municipalities which are getting less than five lakhs it is not possible to spend Rs. 10,000 a year; and when such municipalities are working well, why should they be disturbed? I am not going into the question as to the retrograde step that we are taking in appointing executive officers in municipalities which should develop self-governing ideas among the people themselves. But, even as it is, the list that is cut down from 26 is arbitrary. If that is going to be so, why not my hon. Friend the Mover of this Bill stick on to his original proposition that municipalities having an income of five lakhs and more and a population of one lakh and more should have these undesirable executive officers? In this view I am sure many of my friends on this side and on that side also will agree. If you want to make a distinction between one municipality and another, what is the criterion to be adopted? Why should municipalities which are getting an income of two lakhs and three lakhs be excluded from the operation of this Bill? If you want to exclude these municipalities and appoint executive officers where the chairmen are inefficient and are not able to cope with the work, let the Government go into the question and decide which municipalities most require these executive officers. Why should we be afraid of the Government taking this power? Although I am very reluctant to give power to the Government, in the circumstances narrated by my friend Mr. Ranganatha Mudaliyar that in some cases abuse of power has been taking place and honorary chairmen are not able to discharge their duties properly, the Government may be allowed to go into

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the question and see whether any municipality deserves an executive officer or not. I do not say there are not some municipalities which are abusing their powers. It may be. But which is the authority that is going to decide it? Why should we arbitrarily lay down that these municipalities because they happen to get five lakhs of income must get executive officers? It may be that municipalities that are getting more than five lakhs of rupees are discharging their duties well, and it may be that some municipalities which have an income of below five lakhs are not administering their affairs well. That being the case, why should we single out these municipalities given in the list for appointment of executive officers? If you allow this list to be passed, the implication will be that some municipalities which are getting over five lakhs a year and more are inefficiently administering their affairs. It is a stigma cast on them. Why should we cast such a stigma on these municipalities. We are very uncharitable in singling out these municipalities and forcing executive officers on them. Let the Government go into the whole question whether a municipality is managing its affairs well or not. Then if the Government think they should appoint an executive officer for such a municipality, let them do so. Why should municipalities, simply because they are getting five lakhs, be submitted to this undesirable treatment of having executive officers. Therefore, my submission is that on principle the exclusion of certain municipalities and the retention of some other municipalities in the scope of this Bill is highly objectionable.

“And then, from the point of view of good administration, I do not see any reason why others should be excluded and these should be included. What is the criterion? Are we going to conduct our affairs in this fashion? Because certain persons want these municipalities should be included, they are included; and because certain other persons want certain municipalities to be excluded from the operation of this Bill, they are excluded. The criterion of an income of two lakhs or three lakhs is not mentioned in the Act. That is the understanding they say. But is there any sense behind that understanding? Is there any principle underlying it? And are we going to accept the arguments of persons who have not got any principle behind the inclusion or exclusion of these municipalities? I can very well understand if the list as it emerged from the select committee is accepted; that represents the considered opinion of the select committee. I can very well understand the Mover of the Bill either sticking to his original proposition that municipalities getting an income of five lakhs and over and having a population of one lakh and over should have executive officers, or his accepting the deliberate conclusions of the select committee. Why is it that he is yielding to the advice of some members now? Is he not so strong as to stick to any one of these two principles? I am not casting any reflections on him, but I am sorry to say that he has yielded in a way which does not behove him as a leader in this House. Therefore I say it is not doing justice to himself or to the municipalities themselves if he agrees to the new list. The select committee have come

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to a conclusion after deep deliberation. Let their decision stand. If not let power be given to Government to appoint executive officers only in such municipalities in which there is inefficiency of administration or heaviness of work. So I do not see any reason for the substitution of new municipalities for those that are recommended by the select committee. It looks like child's play. Are we serious men doing serious business? So let my friend Mr. Ranganatha Mudaliyar stick to his original proposition or modify his view with reference to the advice given to him in the select committee. I request hon. Members either to drop the whole list recommended by the select committee or accept it in full. It should not be said by outsiders that we are playing like children. I would request my hon. Friend Mr. Ranganatha Mudaliyar and those who support this substitution of the new list to think over the matter, and in fairness to themselves and all who participated in this discussion and also in fairness to the municipalities that are going to be affected by this Bill, to act on either principle, so that it may not be said that he (Mr. Ranganatha Mudaliyar) yielded to this man or that man, or that the Government yielded to this man or that man. He must stick to his own view and not follow this man or that man. I never expected an erstwhile leader in this House will allow himself to be influenced by certain persons. Therefore I would appeal to him and the Members of this House concerned to think over the matter and either drop the whole thing and give the whole power to the Government or accept my amendment which from very many points of view will satisfy everybody."

Mr. J. A. DAVIS:—"I second it."

* Mr. G. SIMHACHALAM PANTULU:—"Mr. President, Sir, I am unfortunately not very enthusiastic about this subject because I do not happen to be a chairman of any municipality, but I rise to say only this. My view is that mal-administration alone should be the criterion for appointing an executive officer. In that view Guntur is a typical instance and so I want that Guntur should be added to the list of municipalities which according to the terms or arrangements or whatever they may be called, are going to have executive officers. The case of Guntur came up recently before the Government for mal-administration because the business there came to a standstill. The chairman was also by notification removed from office. Therefore I request that typical cases of mal-administration may be considered. I move that Guntur may be included in the list of municipalities mentioned in Mr. Ranganatha Mudaliyar's amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

* The hon. the PRESIDENT:—"At this stage, I would like to place all the amendments before the House, so that there may be a general discussion on them. The first is Mr. Ranganatha Mudaliyar's amendment for the substitution of a list of ten municipalities in clause 15, namely, Bezwada, Coimbatore, Kumbakonam, Madura, Ootacamund, Rajahmundry, Salem, Tanjore, Trichinopoly and Tuticorin. Then there is Mr. Davis's amendment to delete Ootacamund from this list. Thirdly,

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[The President]

Mr. Mahboob Ali Baig's amendment that the following should be substituted for the list: municipalities which have a population of one lakh and more and an income of five lakhs and more from ordinary receipts excluding contributions and drainage receipts. Then there is Mr. Simhachalam's amendment that Guntur should be added to the list furnished by Mr. Ranganatha Mudaliyar."

All the amendments are now for the discussion of the House.

* Mr. M. A. MANIKKAVELU NAYAKAR:—" I am afraid that the discussion is proceeding on a misunderstanding. The hon. Member for Bellary when he moved his amendment clearly pointed out that the list that he submitted was not done arbitrarily but was based on some principle. Hon. Members were mentioning that the list was drawn to suit the fancies of particular individuals. But it is not so, Sir. The hon. Member for Bellary said that he fixed the receipt at 3 lakhs. In the original Bill the income was fixed at 5 lakhs. The Select Committee reduced it 2 lakhs. As a result of the conference of leaders of certain sections of the House they came to the present conclusion which is reasonable. That being so, I cannot see how there can be any complaint from individual members that a particular municipality was included or excluded arbitrarily. The only amendment that has been given on certain principle is that of the hon. Member for Bezvada, Mr. Mahboob Ali. All other amendments point that particular municipalities must either be included or excluded. There is no arbitrariness in fixing the list. Since the whole thing is based on a principle I should like the House to take into consideration the conclusion come to by the leaders of the various sections which should be given due respect. On the other hand if there is any suitable amendment before the House based on any particular principle which is acceptable to the majority of members then it could be taken. But from the discussion no such majority opinion is expressed except for the amendment moved by the hon. Member from Bellary. That being so, I request the House that the amendment originally moved should be accepted."

* Mr. M. DEVADASAN:—" Mr. President, in opposing all the amendments, I want to make a few observations. I am one of those who wish to have executive officers for all those municipalities. Unfortunately Mr. Basu Dev had to withdraw his amendment. He wanted that Government should appoint executive officers in all municipalities for which appointment of executive officers are found necessary. I had the misfortune of seconding his motion. Though he withdrew the motion yet I am of the same opinion. We are here for judging all people alike and we are not here to judge one from one standpoint of view and another from different point of view. There are 81 municipalities in our presidency. Of these we want to apply the present Bill only to 26 municipalities. The amendments seek to limit it to 12 or so. If that be the case what is the standard on which you can proceed? My friend, Mr. Basu Dev, says that it is on the basis of receipts of revenue that they are making appointments. It is not the revenue that should

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be the criterion; nor is it the population that should be the criterion for the appointment of executive officers.

“ You have known since the recent election what a number of motions of no-confidence against the chairman and vice-chairman are cropping up. The result of no-confidence motions is deadlock of business. It is to counteract the evils of no-confidence among other things that this Bill is sought to be enacted. But I submit that if you want to be fair to all people and if you want to have sound administration in all municipalities then it is just and proper that all municipalities should have executive officers. It may be urged by several members that several municipalities have not enough funds to afford the appointment of the executive officers. But I submit that it is not necessary that you should appoint big salaried men for small municipalities. Tahsildars or deputy tahsildars may be enough in the case of the small municipalities and deputy collectors in the case of big municipalities. You all know that most of the chairmen of municipalities are honorary men and they are unable to cope with the work as some are vakils, or merchants or belong to other professions. They don't attend to municipal work in the way in which full-timed officers would attend.

“ On principle also I must oppose the invidious distinction made between important municipalities and other municipalities. Individual municipalities on which we thrust the appointments may say that they do not want the appointments. The Bill does not provide for executive officers for minor municipalities if they desire the same.

“ From my past experience as a member of a municipal council, I have to say that the majority of the municipal chairmen as they are now, are not able to devote their full time and energy for the better administration of municipalities of which they are in charge. So in the interests of sound administration of municipalities I wish there should be officers for all municipalities big or small. With these few words I oppose the motions of Mr. Ranganatha Mudaliyar, Mr. Davis and others.”

* Mr. E. CONRAN SMITH :—“ I rise to support the amendment moved by the Mover of the Bill and to ask this House in the interests of municipal administration to reject the other amendments. I think that the amendments moved by Mr. Muniswami Pillai and Mr. Davis are prompted by a misunderstanding of the intention of this Bill. I have tried once or twice in conversation with the Members of this House to show that this Bill was not intended as a penal measure and if those Gentlemen who moved the amendments will disabuse their minds of that idea and consider it in a more dispassionate way I feel they will not press their amendments. I think I am perhaps in a better position than most of us here to appreciate the difficulties of non-official chairmen. It is the wish of the Government that those difficulties should as far as possible be mitigated and I firmly believe that the principle of this Bill is the right one and that the step which we are now taking

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is a right one and I would appeal to these gentlemen to withdraw their amendments. If I can answer for Mr. Ranganatha Mudaliyar, I will say this. The hon. Member for Bezwada wanted to know why Mr. Ranganatha Mudaliyar did not stick to his original list. The reason is this. Mr. Ranganatha Mudaliyar was keen on his Bill and it was necessary in the interests of the principle of the Bill to come to some agreement with the various parties of the House. The agreement now reached is a fair one. I would again ask the Members of the House to stand by it. Mr. Manikkavelu Nayakar has paid a tribute to the reasoning of Mr. Mahboob Ali which I think he does not deserve. I think Mr. Mahboob Ali Baig will admit he is suiting principles to a particular case and not enunciating principles on their merits. I would like to respond to the appeal of Mr. Muniswami Pillai because I know that the particular municipal administration to which he referred has been successful and I would like if I could, to support the wish which he expressed to exclude the Ootacamund municipality from the schedule. But because as I have said the provision is not a penal one I see no reason why it should be excluded. I would therefore ask Mr. Davis and Mr. Muniswami Pillai to take a broad view of this measure and not base their views on their championship of individual municipalities. With these few words I would support the motion of Mr. Ranganatha Mudaliyar."

* Mr. A. RANGANATHA MUDALIYAR:—"I think, Sir, many of the objections urged by the previous speaker have been answered by the last speaker. The chairman of the Ootacamund municipality has himself asked for a Commissioner to assist him in his work. Well, Sir, I would ask my Friend Mr. Simhachalam not to press his amendment. We have something now to proceed upon. If he feels that Guntur affairs are such as to benefit by this appointment, there are ways and means by which he can see that the situation is improved. With regard to the passionate observations of my Friend from Bezwada that I was giving the go-by to any principles that I may have had in regard to this matter, it is true that I based the original list on a very high standard. But I found in the Select Committee that it would be well to bring in as many municipalities as possible under the operation of this Bill. But I see there are difficulties in the way. For example, there is the difficulty of finding proper officers. For then, we are to depend on people already in the service of local bodies or in the Government service. As was expressed by the Chief Minister, the Government are finding it difficult to spare at once a large number of people. We want as many municipalities as there are officers. It is not that these ten municipalities alone will get an executive officer and none else. We have made provision in the Bill and have given power to Government to add to the list. I think that my friend from Bezwada is not fair to himself or to other people who have taken part in framing this Bill, in imputing motives to them. I hope, Sir, that the list as suggested by me will meet with the approval of the House and that the other amendments will be withdrawn."

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1-15 p.m. * Mr. G. SIMHACHALAM PANTULU:—"In view of the explanation so kindly offered by the hon. Mover of this Bill, I beg to withdraw my amendment."

The amendment was, by leave, withdrawn.

Mr. J. A. DAVIS:—"I also withdraw my amendment."

The amendment was, by leave, withdrawn.

* The hon. the PRESIDENT:—"I will now put Mr. Mahboob Ali Baig's amendment to the vote of the House. The question is—

'For the *existing schedule*, substitute the following:—

"Commissioner may be appointed for the municipalities which have a population of one lakh and more and with an income of 5 lakhs and more from ordinary receipts excluding contributions and drainage receipts".

The amendment was declared lost.

Mr. Mahboob Ali Baig demanded a poll which was taken with the following result:—



1 Mr. Mahboob Ali Baig.

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| 1 The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 24 Rao Sahib V. I. Muniswami Pillai. |
| 2 " Diwan Bahadur Sir M Krishnan Nayar. | 25 Mr. B. P. Sessa Reddi. |
| 3 " Sir Archibald Campbell. | 26 " P. V. Rajagopala Pillai. |
| 4 " Mr. H. G. Stokes. | 27 " V. G. Vasudeva Pillai. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 28 " P. Bayappa Reddi. |
| 6 " Mr. P. T. Rajan. | 29 Khan Bahadur T. M. Moidoo Sahib Bahadur. |
| 7 " the Raja of Bobbili. | 30 Mr. P. K. Ramachandra Padayachi. |
| 8 Mrs. K. Alamelumangathayaramma. | 31 " G. Lakshmana Reddi. |
| 9 Mr. C. E. Jones. | 32 Rao Sahib V. Dharmalingam Pillai. |
| 10 " J. A. Thorne. | 33 Mr. M. A. Muthiah Chettiyar. |
| 11 " H. M. Hood. | 34 Diwan Bahadur A. M. M. Murugappa Chettiyar. |
| 12 " R. Madanagopal Nayudu. | 35 Mr. H. M. Jaggannatham. |
| 13 " S. H. Slater. | 36 Rao Sahib D. Krishnamurti. |
| 14 " E. Conran Smith. | 37 The Zamindar of Kirlampudi. |
| 15 " T. Sundara Rao Nayudu. | 38 Rao Sahib D. V. Narasimhaswami. |
| 16 Khan Sahib Syed Tajuddin Sahib Bahadur. | 39 Pandit Ganala Ramamurti. |
| 17 Mr. M. D. T Ranganatha Mudaliyar. | 40 Dr. P. Subbarayan. |
| 18 Rao Bahadur A. T. Pannirselvam. | 41 Mr. Yakub Hasan. |
| 19 Mr. G. Ranganatha Mudaliyar. | 42 " K. R. Venkatarama Ayyar. |
| 20 Rao Bahadur R. Srinivasan. | 43 Rao Bahadur T. A. Ramalingam Chettiyar. |
| 21 Mr. M. Devadasan. | 44 Mr. T. C. Srinivasa Ayyangar. |
| 22 Rao Sahib N. Siva Raj. | 45 Khan Bahadur Mahmud Schamnad Sahib Bahadur. |
| 23 Subadar Major S. A. Nanjappa Bahadur. | 46 Mr. T. S. Ramaswami Ayyar. |
| | 47 " V. T. Arasu. |
| | 48 Rao Bahadur P. C. Muthu Chettiyar. |

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Noes—cont.

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| 49 B. Pocker Sahib Bahadur. | 62 Mr. H. B. Ari Gowder. |
| 50 Mr. V. P. Narayanan Nambiyar. | 63 „ P. V. Krishnayya Choudari. |
| 51 „ M. A. Manikkavelu Nayakar. | 64 Rai Sahib C. Kolanda Reddi. |
| 52 „ A. B. Shetty. | 65 Mr. K. M. Duraiswami Reddiyar. |
| 53 „ G. Simhachalam Pantufu. | 66 Rao Bahadur R. K. Venugopal Nayudu. |
| 54 „ Abdul Hameed Khan. | 67 Mr. A. Ranganatha Mudaliyar. |
| 55 „ Ahmed Miran Sahib. | 68 Rao Bahadur C. Natesa Mudaliyar. |
| 56 „ K. A. Nachiyappa Gounder. | 69 Diwan Bahadur S. Ellappa Chetti-
yar. |
| 57 „ U. C. Subrahmanya Bhatt. | 70 Mr. C. Basu Dev. |
| 58 „ K. Singam Ayyangar. | 71 „ C. R. Parthasarathi Ayyangar. |
| 59 Diwan Bahadur B. Muniswami
Nayudu. | 72 „ P. Madhusoodhanan Thangal. |
| 60 Mr. K. P. Raman Menon. | 73 „ C. Krishnan. |
| 61 „ M. S. Sreshta. | |

Neutral.

- | | |
|-----------------------------------|--|
| 1 The Zamindar of Bodinayakkanur. | 6 Diwan Bahadur M. Gopalaswami
Mudaliyar. |
| 2 Mr. A. V. Bhanoji Rao. | 7 Mr. C. Indriah. |
| 3 „ J. A. Davis. | 8 „ J. Kuppuswami Choudari. |
| 4 „ G. R. Premayya. | |
| 5 Sriman M. G. Patnaik Mahasayo. | |

Aye 1. Noes. 73. Neutral 8.

The amendment was lost.

* The hon. the PRESIDENT:—“I will now put Mr. A. Ranganatha Mudaliyar's amendment to the vote. The question is—

‘In clause 15, for the list of municipalities, substitute the following list, namely:—

- | | |
|---------------|------------------|
| 1 Bezwada. | 6 Rajahmundry. |
| 2 Coimbatore. | 7 Salem. |
| 3 Kumbakonam. | 8 Tanjore. |
| 4 Madura. | 9 Trichinopoly |
| 5 Ootacamund. | 10 Tuticorin ’.” |

The amendment was carried.

Clause 15, as amended, was put and carried.

New Clause 15.

* Mr. E. CONRAN SMITH:—“Sir, I move the amendment standing in my name, viz.:—

‘Renumber clauses 15, 16 and 17 as clauses 16, 17 and 18 respectively and insert the following as clause 15, namely:—

“15. After section 369 of the said Act, the following section shall be inserted, namely:—

‘370 (1) Any reference to the chairman contained in any enactment in force in the Presidency of Madras or in any notification, order, scheme, rule, form or bylaw made under any such enactment and in force in the said Presidency shall, where such reference

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relates to the executive functions of the chairman, be construed as a reference to the executive authority.

(2) *If any question arises as to whether any such reference relates to the executive functions of the chairman or not, the decision of the Local Government shall be final.*”

“As explained already, the necessity for this amendment arises from the fact that reference occurs in other Acts, such as the Town Planning Act, to the chairman of a municipal council, and the object of this amendment is to make it clear that the executive authority whether it be the chairman or the commissioner is referred to in those Acts also.”

Mr. A. RANGANATHA MUDALIYAR:—“I second it.”

The amendment was put and carried.

* The hon. the PRESIDENT:—“Clauses 16 and 17, which are now amended to be 17 and 18, are for the vote of the House.”

Clauses 16 and 17 renumbered as 17 and 18 were put and carried.

* Mr. E. CONRAN SMITH:—“I move, Sir, the further consequential amendment to the amendment already moved and passed—

Schedule A.

‘(a) *In the heading, for the words and figures “ [see section 16 (1),] ” substitute the words and figures “ [see section 17 (1)]. ”*

‘(b) *In the first paragraph, after the figures “ 50 (4), ” insert the figures “ 51 (1) ”.*

“The first amendment requires no explanation, as it is merely consequential to the amendment just passed. The second is to supply an omission. In going through the sections of the Act, it is found that section 51 (1) has been omitted.”

Mr. A. V. BHANOJI RAO:—“I second it.”

The amendment was put and carried.

Mr. E. CONRAN SMITH:—“Sir, I move—

Schedule B.

‘(a) *In the heading, for the words and figures “ [see section 16 (2)], ” substitute the words and figures “ [see section 17 (2)]. ”*

‘(b) *In the second of the items relating to section 327, in column 2, for the figure “ (4), ” substitute the figure “ (1). ”*

‘(c) *In the second of the items relating to section 352 in column (4), omit the word “ or ” occurring before the words “ executive authority. ”*

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‘ (d) In the item immediately before the item relating to section 368, sub-section (1), in column (1), insert the figures “ 359 ”.’

“ This is merely a drafting amendment, and I do not think it requires any explanation.”

Mr. V. P. NARAYANAN NAMBIYAR:—“ I second it.”

The amendment was put and carried.

* The hon. the PRESIDENT:—“ Schedules A and B, as amended, are for the vote of the House.”

Schedules A and B, as amended, were put and carried.

* Mr. A. RANGANATHA MUDALIYAR:—“ Mr. President, I move that—

‘ the Preamble do form part of the Bill ’.”

Diwan Bahadur B. MUNISWAMI NAYUDU:—“ I second it.”

* Mr. E. CONRAN SMITH:—“ I move that—

‘ in line 3, for the word “ purpose ” the word “ purposes ” be substituted ’.”

Mr. T. SUNDARA RAO NAYUDU:—“ I second it.”

The Preamble, as amended, was then put and carried.

After Lunch (2-30 p.m.).

* Mr. A. RANGANATHA MUDALIYAR:—“ Mr. President, I move—

‘ that the Bill to amend the Madras District Municipalities Act, 1920, be passed into law.’

“ In doing so I shall allow myself to make only one remark. The credit for what we have been able to achieve so far is due to all friends in this House who have wholeheartedly given their support to it. I should like to say, I am especially indebted to the hon. the Chief Minister, Dr. Subbarayan and Diwan Bahadur B. Muniswami Nayudu and, if I may add an undiluted bureaucrat, I would also mention Mr. Conran Smith. (Laughter.) I have very great pleasure in moving that this Bill be passed into law.”

Diwan Bahadur B. MUNISWAMI NAYUDU:—“ I second the motion and in doing so, I heartily associate myself with the remarks made by the Mover in regard to the help which we got for piloting this Bill. Sir, what appeared at one time to be a Bill which will receive the approbation and support of all sections of the House, unfortunately just at the last moment was viewed by some as aiming at something more than a help to the administration. I am glad, however, that at last good sense prevailed and it has been passed by the House. I am sure Government will find for these posts suitable men with administrative experience and give for working the system we are trying to introduce their best brains. I have no doubt that the experience of the few municipalities for which we are now appointing administrative officers will make it

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possible for the Government to extend it to other municipalities also, at any rate, to municipalities where factious spirit prevails and in consequence the administration suffers."

* Mr. K. R. VENKATARAMA AYYAR:—"I am very glad to associate myself with the previous speakers in the general satisfaction that will be felt all over the Presidency by reason of this measure becoming law with the consent of all sides of the House. No doubt it would have given us greater satisfaction if there was no interference at all with schedule 9 as it emerged from the Select Committee. We trust that the power given to Government to notify other municipalities and bring them into the schedule from time to time will be very wisely used in all necessary instances and that without undue delay. To this end it is hoped that the Government would be recruiting officers in the various services in such numbers as might enable them always to keep and find a sufficient number of reserves from whom to draw commissioners for the bigger municipalities. Because, although we are aware that, under the law as it is passed to-day, it will be open to make selection of commissioners from municipal and local fund services as well as from the cadre of Government servants, in the case of the bigger municipalities it will perhaps be found necessary, more and more, to depend upon tried and competent men from the regular Government services.

"So far as Madura is concerned, it is so vast a city that, if it had been possible, we should have preferred to have it made into a corporation on the model of the City Corporation. But, as any attempt to pass separate legislation in regard to Madura alone might have involved a delay, those interested in Madura have agreed to share in the benefits under this Bill side by side with other major municipalities. No doubt, under the law as it is passing to-day, the maximum amount of salary and allowances payable to a commissioner is only Rs. 800. Doubts occurred to me, both during the Select Committee stage and subsequently—I wish to put them to responsible Members of Government and Secretaries and also other Members of this House—whether, after all, the requirements of the Madura municipality would, at all junctures and at critical junctures particularly, be met by the appointment of an officer for whom you will be in a position to pay only Rs. 800. I think situations have arisen in the past in the case of Madura and may arise again in the future,—at any rate the present is such a situation—when, to evolve order out of chaos, it would be necessary to commit the executive administration of that place in the hands of a first-class Civilian officer who would be able to go ahead with an amount of driving force, with independence and with impartiality which are absolutely essential so far as that municipality is concerned. Possibly about Rs. 15,000 a year, if not Rs. 18,000 might be required to secure such an officer for Madura. But the maximum payable from out of municipal funds is only Rs. 800 per mensem. I hope Government will come to our help so far as Madura is concerned and find the necessary money to pay such an officer if they agree in the view that, at the present juncture, Madura should be served well by an officer of the type I am suggesting.

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“ I hope, Sir, that without taking more time at this stage, it would be fitting that I associate myself once more with the previous speakers in the feeling of thankfulness which we feel towards the Chief Minister and Mr. Conran Smith both of whom have done a very great deal to bring agreement where disagreement loomed large, and to see that the labours bestowed over this very necessary and beneficial Bill were not wasted. I think, Sir, this is an achievement of which this House could be proud. It is an achievement which, in the actual execution and administration of the Act, will create opportunities to the Government to get more and more credit for themselves by bringing under the operation of this Act more and more municipalities to which it would be a benefit to extend the advantage of appointing commissioners. With these words, Sir, I have very great pleasure in supporting this motion of the hon. Mover of the Bill.”

* Rao Sahib V. I. MUNISWAMI PILLAI:—“ Mr. President, I rise to support the motion before the House. Sir, in the initial stages there was a fear that this Bill would lower the status of the municipal councillors. But that fear was dispelled by the eloquent advocacy of the measure, both in the Select Committee and in this House, by the ex-Ministers Dr. Subbarayan and Diwan Bahadur Muniswami Nayudu and by the able Local Self-Government Secretary Mr. Conran Smith. We hope that the Bill in its present form will give more facilities for the successful working of the municipalities.

“ There is a fear among the municipal employees, that in the selection of officers for commissionerships the claims of the seniors among them would be overlooked. I am sure the Government in selecting commissioners will give due weight to the experience and long service of employees in the municipalities who have been able to give a good account of their administrative knowledge. As there is a move on the part of Government to provincialize the cadres of health officers and engineers of municipalities, I think time will show how far this measure is useful in the administration of municipalities. As this Bill had the support of two gentlemen who had opportunity to deal with the portfolio of Local Self-Government, I am sure this must go a long way to improve municipal administration.”

* Mr. C. R. PARTHASARATHI AYYANGAR:—“ Sir, yesterday I thought that the Bill was going to die on account of certain amendments moved by a section of the House, but after discussing the matter with the Members concerned, I felt satisfied that there was no such risk. When the parties put their heads together, they came to the conclusion that the measure was a beneficial one.

“ One thing that struck me most forcibly is that all of us while keeping up the ideal that we have to reach before us must always bear in mind the fact that all self-governing institutions should be safely administered and they must be in the hands of well trained and good executive officers, otherwise the institutions may break. It would really be very good if we are able to have officers like Mr. Conran Smith as

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Commissioners for our municipalities, who will be able to give us their practical wisdom in administering the affairs of our municipalities.

“ Some people are afraid that this law is an infringement on popular liberty. I do not think so. On the other hand we will be able to have by the introduction of this measure executive officers who will be able to bring to bear on our municipal administration all their administrative experience which coupled with the idealism which our chairmen or municipal councillors may have will bring in very beneficial results to the various municipalities. The Bill may be regarded by some as being very reactionary in that it will give power to the Government to bring under the operation of this Act any municipality which they like. It is only in cases where the municipalities go wrong and are not able to grapple with administrative problems which may arise before them from time to time that this measure will be applied. In any event I must say that the passing of this measure is a very happy augury for the future because all parties put their heads together and sunk their differences and the result is we have been able to put this Bill on the Statute Book. In these circumstances I thank the hon. the Mover of the Bill, and all those persons who endeavoured their utmost to clear the sky when it became clouded and thus enabled this Council to pass the Bill into law.”

Mr. SAMI VENKATACHALAM CHETTI:—“ Vote, vote, Sir.”

* The hon. the PRESIDENT:—“ The question is—

‘ that the Bill be passed into law ’.

The motion was carried and the Bill was passed into law.

V.—RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

(1) ESTABLISHMENT OF A BROADCASTING SERVICE FOR THE MADRAS PRESIDENCY.

* The hon. the PRESIDENT:—“ Yesterday resolution No. I was moved and seconded. That resolution reads as follows:—

‘ This Council recommends to the Government to take early steps to establish a broadcasting service for this Presidency ’.”

The resolution is for the discussion of the House.

* Mr. T. S. RAMASWAMI AYYAR:—“ Under Standing Order 33, I desire to move—

‘ that all the other business on the agenda do stand over and that resolution No. I in to-day’s list of business be taken up first ’.”

Mr. SAMI VENKATACHALAM CHETTI:—“ I second it.”

The motion was put and carried and the other items of business were allowed to stand over. Mr. Ramaswami Ayyar’s resolution was taken up.